

**In the United States Bankruptcy Court  
for the Southern District of Georgia**

In the matter of:  
MELONY RENEE SPIVEY

Chapter 13 Case

Number 10-21524

Debtor(s)

*"Amended"*

**CHAPTER 13 PLAN AND MOTION**

[General Order 2005-3 Approved Form]

1. Debtor(s) shall pay to the Trustee the sum of \$ 110.00 Monthly for the applicable commitment period of:  
☐ 60 months: **or** (If applicable include the following): These plan payments  
☒ a minimum of 36 months. § 1325(b)(4). change to \$ \_\_\_\_\_ monthly on \_\_\_\_\_, 20\_\_\_\_.
2. From the payments so received, the Trustee shall make disbursements as follows:
  - (a) The Trustee percentage fee as set by the United States Trustee.
  - (b) Attorney fees allowed pursuant to § 507(a)(2) of \$ 2,500.00 to be paid in accordance with applicable General Orders of this Court.
  - (c) Other § 507 claims, unless provided for otherwise in the plan will be paid in full over the life of the plan as funds become available in the order specified by law.
  - (d) ☐ Monthly payments according to the contract on the following long-term debts. § 1322(b)(5). (Payments which become due after the filing of the petition but before the month of the first payment designated here will be added to the pre-petition arrearage claim):

CREDITOR

MONTH OF FIRST TRUSTEE PAYMENT

INITIAL MONTHLY PAYMENT

**IN THE ALTERNATIVE:**

- ☒ Debtor will make post-petition payments direct to creditor according to the contract on the following long-term debts:

CREDITOR

Chase Home Finance

INITIAL MONTHLY PAYMENT

\$740.00

- (e) Fully Secured Allowed Claims and Executory Contracts as set forth below:

<u>CREDITOR</u>	<u>COLLATERAL</u>	<u>ESTIMATED CLAIM</u>	<u>INTEREST RATE</u>	<u>MONTHLY PAYMENT</u>
United Community Bk	1999 Mazda 626	\$2,060.17	4.5%	\$38.41

- (f) Undersecured Allowed Claims. Debtor moves to value the collateral partially securing the following claims pursuant to § 506 and provide payment in satisfaction of those claims as set forth below:

<u>CREDITOR</u>	<u>COLLATERAL</u>	<u>VALUATION</u>	<u>INTEREST RATE</u>	<u>MONTHLY PAYMENT</u>
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Payment amount is estimated because the claims are estimated. It will be adjusted accordingly to the actual allowed claims. After confirmation and adequate protection payments, secured creditors will be paid pro rata with administrative claims based on the availability of funds.

(g) Cure payments on allowed prepetition arrearage claims set forth below. § 1322(b)(5):

CREDITOR

ESTIMATED PRE-PETITION CLAIM

(h) The following unsecured allowed claims are classified to be paid at 100% ☐ with interest at \_\_\_\_\_% or ☐ without interest.

(i) Allowed general unsecured claims, including the unsecured portion of any bifurcated claims provided for in ¶ 20) or 6, will be paid a 1 % dividend or a prorata share of \$ 194.40, whichever is greater.

3. Debtor will make § 1326(a)(1) pre-confirmation lease and adequate protection payments on allowed claims of the following creditors: ☐ Direct to the Creditor; or ☒ To the Trustee

CREDITOR

ADEQUATE PROTECTION OR LEASE PAYMENT AMOUNT

United Community Bank

\$20.60

4. Debtor will pay all post-petition domestic support obligations direct to the holder of such claim identified here. § 101(14A). Debtor requests Trustee to provide the statutory notice of § 1302(d) to these claimants.

CREDITOR

ADDRESS

5. Pursuant to 11 U.S.C. § 522(f), debtor moves to avoid the liens of the following creditors, upon confirmation but subject to § 349, with respect to the property described below:

CREDITOR

PROPERTY

6. The following collateral is surrendered to the creditor to satisfy the secured claim to the extent shown below:

CREDITOR

DESCRIPTION OF COLLATERAL

AMOUNT OF CLAIM SATISFIED

7. Holders of allowed secured claims shall retain the liens securing said claims to the full extent provided by § 1325(a)(5).

8. Other provisions:

9. The amount, and secured or unsecured status, of claims disclosed in this Plan are based upon debtor's best estimate and belief. An allowed proof of claim will supercede those estimated claims. Objections to claims may be filed before or after confirmation. Debtor will increase payments in the amount necessary to fund allowed claims as this Plan proposes, after notice from the Trustee and a hearing if necessary, unless a Plan Modification is approved.

Dated

12/30/2010

Isi Melany Renee Spivey  
Debtor

\_\_\_\_\_  
Debtor

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
BRUNSWICK DIVISION

In the matter of:	)	Chapter 13 Bankruptcy
	)	Case No. 10-21524
MELONY RENEE SPIVEY,	)	
	)	
Debtor.	)	

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**VERIFICATION**

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Personally appeared before the undersigned attesting officer who, after being duly sworn, deposes and says that the facts recited in the foregoing **1<sup>st</sup> AMENDED CHAPTER 13 PLAN AND MOTION** are true and correct to the best of her knowledge.

/s/ MELONY RENEE SPIVEY, Debtor

Sworn to and subscribed before me  
this the 30<sup>th</sup> day of December, 2010.

/s/ Lori Sharee Murray

Notary Public

My Commission Expires: September 20, 2011

*The signatures represented by "/s/" on this document conform to the original signatures on the paper version maintained by the filing user.*

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
BRUNSWICK DIVISION

In the matter of:	)	Chapter 13 Bankruptcy
	)	Case No. 10-21524
MELONY RENEE SPIVEY,	)	
	)	
Debtor.	)	
_____	)	

**CERTIFICATE OF SERVICE**

This is to certify that I have this day served all parties with the foregoing  
**1<sup>st</sup> AMENDED CHAPTER 13 PLAN & MOTION** by placing a copy of the same in  
an envelope in the United States Mail with sufficient postage affixed thereon to  
assure delivery to:

M. Elaina Massey  
Chapter 13 Trustee  
Post Office Box 1717  
Brunswick, GA 31521

This 30<sup>th</sup> day of December, 2010.

**/s/ Robert H. Baer**  
Attorney for Debtor  
GA Bar No. 030950

Post Office Box 1792  
400 "G" Street  
Brunswick, Georgia 31521-1792  
(912) 264-3120 Telephone  
(912) 265-8337 Facsimile

*The signatures represented herein by "/s/" on this document conform to the original signatures on the paper version maintained by the filing user.*